

REMARKS

Prior to entry of the amendments above, Claims 15-32 were pending. By the amendments above, Claim 32 has been cancelled without prejudice, Claims 15, 16, and 28 have been amended to more particularly point out subject matter regarded as inventive, and Claim 33 has been added. As such, upon entry of the amendments, Claims 15-31 and 33 will be pending in the present application. It is respectfully submitted that no new matter has been added by these amendments, as support therefor can be found throughout the specification and drawings as filed. *See*, e.g., Page 4, last paragraph through Page 5, second paragraph of the subject application as filed; as well as Figs. 1A-1D. In light of the amendments above and the remarks below, reconsideration of the application is respectfully requested.

Allowable Subject Matter

It is noted with appreciation that Claims 29-31 have been allowed. It is also noted that objections were made to Claims 24-26 for being dependent upon a rejected base claim, but it was indicated that Claims 24-26 would be allowable if rewritten in independent form. Claims 24-26 depend from Claim 15, which has been amended in this response. For the reasons described below, it is submitted that currently amended Claim 15 is in condition for allowance and as such, it is respectfully requested that the objections to Claims 24-26, depending from Claim 15, be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 15-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, Claims 15 and 16 each recited “an article” and “a magnetic security device” more than once. By the amendments above, Claims 15 and 16 have each been amended

to recite “an article” and “a magnetic security device” only once to clarify that one article and one magnetic security device are being indicated. No specific grounds were provided as to why Claims 17-28 were rejected under 35 U.S.C. § 112. Nonetheless, Claim 28 has been amended similarly to Claims 15 and 16. It is presumed that Claims 17-27 were rejected only on the basis of their dependency on Claims 15 and 16. As such, it is respectfully submitted that the amendments to Claims 15, 16, and 28 obviate the rejection of Claims 15-28 under 35 U.S.C. § 112. Withdrawal of the rejection is therefore respectfully requested.

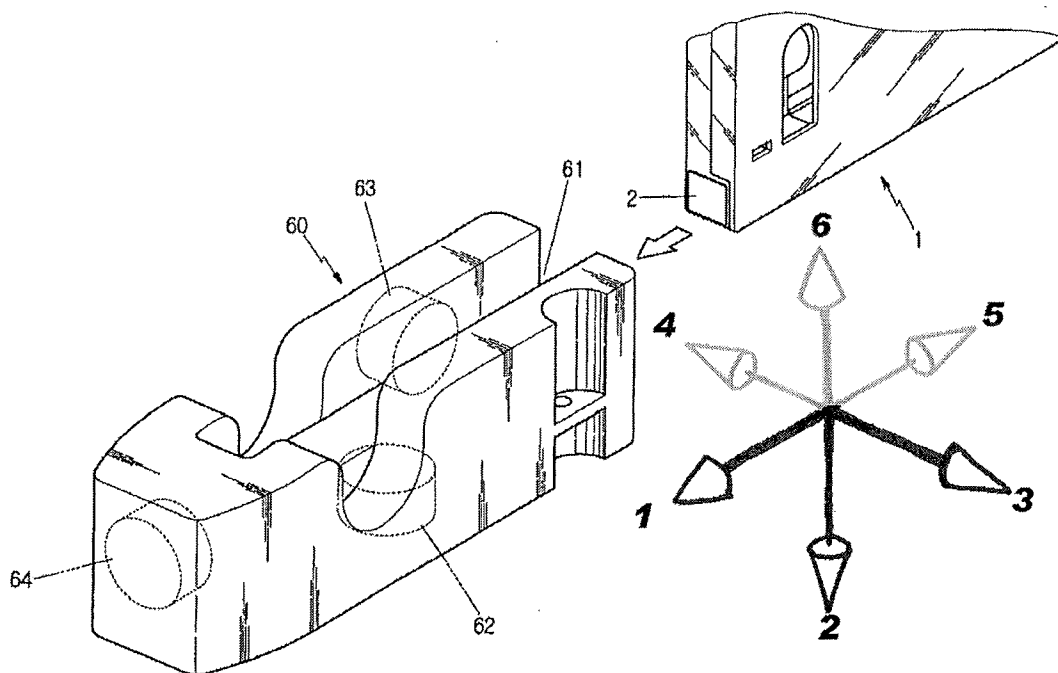
Rejections Under 35 U.S.C. §102

Claims 15-21 and 27-28 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,880,372 to Kim (hereinafter “Kim”). Kim describes a security device for preventing pilferage of media such as CD’s, DVD’s, and the like. A decoupler 60 is described for releasing a security device with a locking function. Decoupler 60 has a groove 61 with a width slightly larger than the width of a CD case 1. *See* Kim, Col. 5, Line 59 *et seq.* A first magnet 62 is installed beneath the lower portion of the groove 61, a second magnet 63 is installed in the side portion of the guiding groove 61, and a third magnet 64 is installed in the front portion of the guiding groove 61. When a CD case 1 is advanced through groove 61, magnets 62, 63, and 64 release the security device in case 1.

In contrast to Kim, amended Claim 15 recites an apparatus for releasing a magnetic security device in an article. The apparatus includes, among other things, a first portion for locating the article in a first direction and a second portion for locating the article in a second direction substantially perpendicular to the first direction. The first and second portions define a receptacle configured and adapted to receive the article so as to physically restrain the article in the first and second directions as it is brought into contact with the first and second portions,

while leaving the article unrestrained in at least a third direction substantially perpendicular to the first and second directions. The receptacle is configured and adapted to receive first and second surfaces of the article that are wider than the apparatus and extend beyond the apparatus in the third direction and in a fourth direction opposite the third direction.

Kim does not teach, suggest, or disclose each and every element recited in amended Claim 15. In particular, Kim does not disclose a receptacle configured and adapted to receive first and second surfaces of an article that are wider than the apparatus and extend beyond the apparatus in a third direction and in a fourth direction opposite the third direction, as recited in amended Claim 15. Instead, groove 61 as described by Kim is specifically dimensioned for the width of a CD case 1. When a CD case 1 is positioned in groove 61 in first and second perpendicular directions, there are walls on either side of groove 61 (the wall containing magnet 63 and wall opposite thereto) that prevent receipt into groove 61 of surfaces of an article extending beyond the apparatus in a third perpendicular direction and in the fourth direction opposite the third direction, as indicated in the annotated Fig. 9 from Kim shown below.



As indicated in the annotated Fig. 9 from Kim shown above, when a CD case is received in groove 61, there are only two of the six possible orthogonal/opposed directions in which the surfaces of the CD case in groove 61 can extend beyond the decoupler 60. The first such direction is away from end magnet 64 (direction 5 shown above). The second such direction is away from bottom magnet 62 (direction 6 shown above). These two directions (5 and 6 shown above) are orthogonal, not opposed, as in the third and fourth directions recited in amended Claim 15. The surfaces of a CD case within groove 61 cannot extend beyond the apparatus in any of the other four directions (directions 1-4 shown above) because there are walls blocking the surfaces of the CD case in each of those directions. For at least the foregoing reasons, Kim does not disclose a receptacle as recited in amended Claim 15. As such, Kim does not teach, suggest, or disclose each and every element recited in amended Claim 15.

Since Kim does not teach, suggest, or disclose each and every element recited in amended Claim 15, Kim does not anticipate amended Claim 15 under 35 U.S.C. § 102(e). Claims 17-21 depend from amended Claim 15 and thus include each element recited in amended Claim 15. Method Claim 28 similarly includes all of the elements recited in amended Claim 15. Thus the same arguments given above with respect to Claim 15, as presently amended, apply to Claims 17-21 and 28. Withdrawal of the rejection under 35 U.S.C. § 102(e) with respect to Claims 15, 17-21, and 28 is therefore respectfully requested.

In further contrast to Kim, amended Claim 16 recites an apparatus for releasing a magnetic security device in an article. The apparatus includes, among other things, a first portion for locating the article in a first direction and a second portion for locating the article in a second direction substantially perpendicular to the first direction. The first and second portions define an L-shaped receptacle configured and adapted to restrain the article in the first and second directions as it is brought into contact with the first and second portions, while leaving

the article unrestrained in at least a third direction substantially perpendicular to the first and second directions. The L-shaped receptacle is capable of receiving articles of a wide range of shapes and sizes having a security device installed adjacent two substantially perpendicular sides thereof. The receptacle is configured and adapted to receive the article having first and second surfaces that are wider in the third direction than the apparatus. The receptacle is adapted and configured to receive the article such that the size of the surfaces of the article within the receptacle are unrestricted in at least the third direction and a fourth direction opposite the third direction.

Kim does not teach, suggest, or disclose each and every element recited in amended Claim 16. In particular, Kim does not disclose a receptacle adapted and configured to receive an article such that the size of the surfaces of the article within the receptacle are unrestricted in at least the third direction and a fourth direction opposite the third direction, as recited in amended Claim 16. Instead, as already pointed out above, groove 61 as described by Kim is specifically dimensioned for the width of a CD case 1. There are walls on either side of groove 61 (the wall containing magnet 63 and wall opposite thereto) that restrict the size of surfaces of an article within groove 61 from extending beyond the apparatus in the third direction and in the fourth direction opposite the third direction when a CD case 1 is located in groove 61 (see the annotated drawing above).

As explained above, when a CD case is received in groove 61 of Kim, there are only two of six possible orthogonal/opposed directions in which the surfaces of the CD case in groove 61 can extend beyond the decoupler 60. The first such direction is away from end magnet 64 (direction 5 shown above). The second such direction is away from the bottom magnet 62 (direction 6 shown above). These two directions (5 and 6 shown above) are orthogonal, not opposed, as the third and fourth directions recited in amended Claim 16. The surfaces of a CD

case within groove 61 are restricted in the other four directions because there are walls blocking the CD case in each those directions. For at least the foregoing reasons, Kim does not disclose a receptacle as recited in amended Claim 16. As such, Kim does not teach, suggest, or disclose each and every element recited in amended Claim 16.

Since Kim does not teach, suggest, or disclose each and every element recited in amended Claim 16, Kim does not anticipate amended Claim 16 under 35 U.S.C. § 102(e). Claim 27 depends from amended Claim 16 and thus includes each element recited in amended Claim 16. Thus the same arguments with respect to Claim 16, as presently amended, apply to Claim 27. Withdrawal of the rejection under 35 U.S.C. § 102(e) with respect to Claims 16 and 27 is therefore respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 22-23 and 32 were rejected under 35 U.S.C. § 103(a) over Kim in view of U.S. Patent No. 6,084,498 to Stelter et al., (hereinafter “Stelter”). Kim has been described above. Stelter describes a magnetic decoupler for releasing security tags, such as in antitheft devices. The decoupler includes a magnet assembly including magnets arranged with orientations that increase the axial magnetic field gradient by superposition of the magnetic fields of each magnet.

With respect to Claims 22 and 23, Page 7 of the Office Action indicates that Kim does not disclose first or second magnets comprised of a plurality of magnets. Moreover, it has already been pointed out above that Kim does not teach, suggest, or disclose each and every element recited in amended Claim 15. Specifically, Kim fails to disclose a receptacle configured and adapted to receive first and second surfaces of an article that are wider than the apparatus and extend beyond the apparatus in the third direction and in a fourth direction opposite the third

direction, as recited in amended Claim 15. Claims 22 and 23 depend from amended Claim 15 and thus include each element recited therein. Thus, in addition to failing to describe first or second magnets comprised of a plurality of magnets, there are whole other features of Claims 22 and 23 that are not disclosed in Kim. It is respectfully submitted that Stelter does not remedy the deficiencies of Kim because Stelter also fails to disclose a receptacle configured and adapted to receive first and second surfaces of an article that are wider than the apparatus and extend beyond the apparatus in the third direction and in a fourth direction opposite the third direction, as recited in amended Claim 15.

Since Kim and Stelter, whether considered alone or in combination, do not teach, suggest, or disclose each and every element recited in Claims 22 and 23, it is respectfully submitted that there is no *prima facie* case of obviousness with respect to Claims 22 and 23. Withdrawal of the rejection under 35 U.S.C. § 103(a) with respect to Claims 22 and 23 is therefore respectfully requested.

Claim 32 has been cancelled. It is therefore respectfully submitted that the rejection under 35 U.S.C. § 103(a) with respect to Claim 32 is moot. Withdrawal of the rejection is therefore respectfully requested.

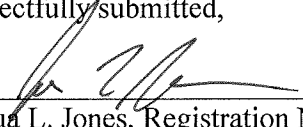
CONCLUSION

Applicants respectfully submit that none of the prior art of record, alone or in combination, discloses or suggests the invention as presently claimed. Based upon the foregoing, favorable consideration of Claims 15-31 and 33 is respectfully requested. If it is believed that an interview would advance prosecution, the Examiner is invited to call Applicants' representatives at the number below.

It is respectfully submitted that this response is timely submitted, together with the enclosed request for extension of time and accompanying fee. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 64496US(53583).

Dated: September 15, 2008

Respectfully submitted,

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